

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ROBERT MCKENNEY,)	
)	
Plaintiff)	
)	
v.)	1:12-cv-00342-JAW
)	
SOMERSET COUNTY JAIL, et al.,)	
)	
Defendants)	

RECOMMENDED DECISION

On November 7, 2012, plaintiff filed a complaint in this court naming Somerset County Jail, Officer Maguire, and Major Cory Swope as defendants. McKenney complained that the jail failed to provide him with a vegetarian diet and that his Buddhist religion required that he consume only vegetarian foods.¹ On November 9, 2012, I issued an order granting plaintiff in forma pauperis status and advising him that he is still required to pay the entire filing fee as funds become available. Plaintiff was ordered to notify the court no later than November 30, 2012, of his intention to either incur the cost of the filing fee and proceed with this action, or forego litigation at this time. The order further advised plaintiff that should he fail to fully comply, a recommendation to dismiss the complaint would issue. As of today's date, there has been no communication from plaintiff.

Accordingly, it is recommended that the Complaint be **DISMISSED without prejudice** for plaintiff's failure to prosecute this action.

¹ Robert W. McKenney filed a similar complaint on May 14, 2012, against the Cumberland County Jail and Sheriff Kevin Joyce, 2:12-cv-00161-DBH. The complaint was likewise dismissed because of McKenney's failure to respond to this court's orders.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1993) for which *de novo* review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

December 18, 2012

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge